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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,582	01/14/2002	Daniel P. Wilson	1097-2	4690

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Joseph W. Schmidt, Esq.
DILWORTH & BARRESE, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553

EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,582

Applicant(s)

WILSON ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/047,582, System and Method for Mounting Heavy Machinery to a Horizontal Support, filed on January 14, 2002.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 recite the limitation "the one fastening element" in lines 9 and 1, respectively. There is insufficient antecedent basis for this limitation in the claim. Applicant is suggested to change the limitation to --the at least one fastening element--.

In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the subcombination that is, a system for mounting a heavy machine to a support and the claims will be rejected accordingly. If applicant indicates by amendment that the combination of the system and the heavy machine is the intention, the language in the preamble should be made consistent with the language in the body of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,120,210 to Sloyan. Sloyan discloses a system for mounting a motor to a surface, the system comprising: a frame including first and second longitudinal members (15); at least one cross member (11) for operatively connecting the longitudinal members at a predetermined spaced relation; at least one fastening element (21) mounted to each longitudinal member and adapted for longitudinal movement relative thereto; the at least one fastening member configured for reception within a respective mounting aperture of the motor; wherein the at least one fastening element is adapted for lateral movement relative to the longitudinal member (Col. 5, line 51ff); and wherein the at least one fastening element is adapted for pivotal movement relative to the longitudinal member (Col. 5, line 27ff).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 1,974,158 to Okenfuss. Okenfuss discloses a system for mounting a heavy machine to a support, the heavy machine defining a lower surface with front and rear mounting apertures extending therethrough (Fig. 2), the system comprising: a frame including first and second longitudinal members (3); at least one cross member (7) for operatively connecting the longitudinal members at a predetermined spaced relation generally

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corresponding to a distance between the front and rear mounting apertures of the heavy machine; at least one fastening element (11) mounted to each longitudinal member and adapted for longitudinal movement relative thereto, and the at least one fastening member configured for reception within a respective mounting aperture of the machine and being adapted to secure the heavy machine to the frame.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okenfuss in view of U.S. Patent 2,210,051 to Woodbury. Okenfuss further discloses that the fastening element is a fastening bolt. Okenfuss discloses the claimed invention except for the limitations of the fastening member including a washer and a coil spring mounted on the bolt. Woodbury teaches that it is known in the machine mounting frame art to have a system including a frame having first and second longitudinal members (12) connected by at least one cross member (13), and at least one fastening element including a fastening bolt (32), a washer (30) and a coil spring (28) mounted to the bolt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the fastening element in Okenfuss to have included the fastening element as taught by Woodbury for the purpose of providing

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means for resiliently supporting the frame above the support surface in order to dampen and absorb vibrations arising out of operation of the machine.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,666,149 to Rosenzweig

U.S. Patent 2,378,106 to Rosenzweig et al.

U.S. Patent 2,696,139 to Attwood

U.S. Patent 3,438,910 to LaLonde et al.

U.S. Patent 4,354,655 to Hengst

U.S. Patent 5,118,233 to Mitchell

U.S. Patent 5,277,395 to Smith et al.


Rosenzweig and Rosenzweig et al. both disclose a mounting for machinery having two longitudinal members connected by at least one cross member. Attwood and LaLonde et al. disclose a fastening element having a fastening bolt used in combination with a nut and coil spring for connecting a plurality of channel members. Hengst discloses a mounting base construction for heavy equipment. Mitchell discloses a tightening stud bolt used in combination with a coiled spring. Smith et al. disclose a machinery base pad.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3597 for regular communications and (703) 308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Anita M. King
Primary Examiner
Art Unit 3632

March 7, 2003